



City of Norfolk

Office of the City Manager

Dir., Planning & Community Development

September 19, 2006

To the Honorable Council
City of Norfolk, Virginia

Re: Zoning Ordinance Amendment –
Permitting Tattoo Parlors by Special
Exception.

Ladies and Gentlemen:

I. Recommended Action:

The attached ordinance approves the request should it be the desire of the City Council.

II. Overview

This agenda item, which would permit a Zoning Ordinance Amendment permitting Tattoo Parlors in the City of Norfolk was continued to September 19, 2006 by City Council at its meeting on August 29, 2006. The City Council, at its meeting on August 29th requested that the Administration provide additional options for the location by special exception of tattoo parlors.

III. Analysis

A. General

Currently the Code of the City of Norfolk Virginia, 1979, prohibits Tattoo Parlors to be located within the City of Norfolk. There have been, however, several lawsuits in nearby localities in which the Circuit Court determined that the prohibition of such a use is not legal. As a result, the City Council discussed amending the City Code and The City of Norfolk Zoning Ordinance, 1992 as amended, to permit tattoo parlors in the C-2 (Corridor Commercial District), by special exception. After further discussion, the Council requested the Administration to provide an alternative that would allow tattoo parlors in the C-3 (Retail Center Commercial) and D-4 (Downtown Cultural Center) districts by special exception only. It also requires that any tattoo parlor be located at least 3,000 feet from any other tattoo parlor and at least 500 feet from any residential zoning district.

Discussion by City Council on this issue at the meeting on August 29th resulted in Council requesting additional options that would include locating tattoo parlors in industrial districts. A new proposal would locate tattoo parlors in the Industrial I-1 District as well as the Downtown D-4 District with a 100 foot buffer for residential.

This proposed amendment would define a tattoo parlor and consider the use as an Adult Use. This proposed change requires both the Planning Commission and the City Council to consider the use of a particular site as a tattoo parlor under the same criteria as an entertainment establishment or a massage parlor including the location criteria and the standards pertaining to uses contrary to the public interest. Attached is a list of criteria.

B. Fiscal
N/A.

C. Environmental
N/A.

D. Community Outreach/Notification
In accordance with the Norfolk City Charter and Virginia state law, a public hearing is required for this item. Notification for this item was conducted through the City of Norfolk's agenda notification process.

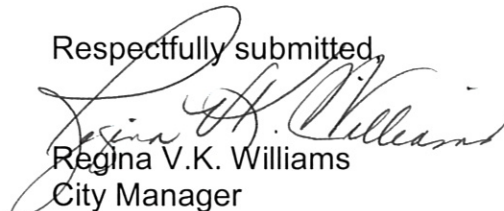
IV. Board/Commission Action

By a 6 to 0 vote, the Planning Commission recommends **approval** of this text amendment for operation of tattoo parlors in C-2 districts. Since the Planning Commission forwarded its recommendation, the City Council has held additional discussions on this issue. Based on the most recent discussions by City Council, the Administration recommends that the City allow the operation of tattoo parlors in I-1 (Industrial) and D-4 (Downtown Cultural Center) districts by special exception only.

V. Conclusion

Approval by City Council of a proposed text amendment would define a tattoo parlor and consider the use as an Adult Use. Therefore, the attached ordinance approves the request should it be the desire of the City Council.

Respectfully submitted,



Regina V.K. Williams
City Manager

Coordination/Outreach

This letter has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

PH #6

The ordinance for Public Hearing #6 is still under review in the City Attorney's Office. Distribution of the ordinance will take place during City Council's Informal Session on Tuesday, September 19, 2006.